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RCE/\$

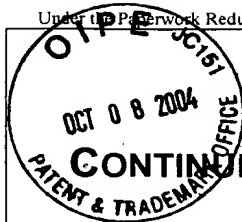


PTO/SB/30 (5/2000)

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**REQUEST**

FOR

**CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Subsection (b) of 35 U.S.C. §132, effective on May 29, 2000, provides for continued examination of a utility or plant application filed on or after June 8, 1995.

See the American Inventors Protection Act of 1999 (AIPA).

Application Number	09/665,350
Filing Date	September 18, 2000
First Named Inventor	Ashkenazi, et al.
Group Art Unit	1646
Examiner Name	Chernyshev, Olga N.
Attorney Docket Number	39780-1618P2C1

This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. s 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. §1.114.

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. §1.116 previously filed on
(Any unentered amendment(s) referred to above will be entered)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- iii. ☐ Other
- b. ☒ Enclosed
- i. ☒ Preliminary Amendment
- ii. ☒ Affidavit(s)/Declaration(s) – Avi Ashkenazi, Ph.D. and Paul Polakis, Ph.D., (Exhibits A-D/with references)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other – 260 pages of Substitute Specification; Statement under C.F.R. 1.125(b).

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F. R. § 1.17(i) required)
- b. ☐ Other

3. Fees The RCE fee under 37 C.F.R. §1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments to Deposit Account No. 08-1641 (Docket No. 39780-1618P2C1)
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) = \$790.00
- ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) – 5 months = \$2,080.00 *look at a...*
- iii. ☐ Other
- b. ☐ Check in the amount of \$ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	DAAPHNE REDDY	Registration No. (Attorney/Agent)	53,507
Signature	<i>Daphne Reddy</i>	Date	OCTOBER 8, 2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post office to Addresses" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on this date: **October 8, 2004**

Name (Print/Type)	CHERYL ROGERS	Date: October 8, 2004
Signature	<i>Cheryl Rogers</i>	Express Mail Label: EL 993 689 457 US

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ashkenazi et al. Docket No.: 39780-1618P2C1
Serial No.: 09/665,350 Group Art Unit: 1646
Filing Date: September 18, 2000 Examiner: Chernyshev, Olga N.
For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC
ACIDS ENCODING THE SAME**

EXPRESS MAIL LABEL NO. EL 993 689 457US

Date Mailed: October 8, 2004

PRELIMINARY AMENDMENT

MS: RCE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

This Preliminary amendment accompanies a Request for Continued Examination under 37 C.F.R. § 1.114 for the above identified application. A Notice of Appeal was filed March 8, 2004 in this case. This RCE filing and Preliminary amendment are being timely filed concurrent with a Petition for Extension of time for five months with necessary fees. Accompanying this filing is a "Substitute Specification" with a Statement filed under 37 CFR § 1.125(b). Also attached herewith are Declarations by Paul Polakis, Ph.D., by Avi Ashkenazi, Ph.D., and articles by (i) Orntoft *et al.*, (ii) Hyman *et al.*, (iii) Pollack *et al.*, and (iv) Hanna and Mornin.

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 8 of this paper.

Remarks begin on page 12 of this paper.